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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA, ) No.: CR 07 - MJ - 70720  
11 Plaintiff, )  
12 v. ) [PROPOSED] STIPULATION AND  
13 LARRY EUGENE MONK, ) ORDER EXCLUDING TIME  
14 Defendant. )  
15

16 The above captioned matter came before the Court on December 13, 2007 for status as to the  
17 transfer of this case from the Western District of Texas to the Northern District of California.  
18 The parties agreed to continue the case until the next appearance then set for December 20, 2007.  
19 The parties stipulated to the exclusion of time until December 20, 2007 to which the Court  
20 approved. (Doc 6.) Thereafter the parties continued to discuss in conjunction with the United  
21 States Attorney's office in the Western District of Texas, where the case originates, a possible  
22 Rule 20 transfer. The parties agreed to postpone the December 20, 2007 status conference until  
23 January 11, 2008.

24 In light of the ongoing negotiations concerning the possible Rule 20 transfer, the parties  
25 stipulate to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §3161(b), from December  
26 20, 2007 to and including January 11, 2008. During the intervening time, the parties have  
27 negotiated successfully a plea agreement satisfactory to all parties involved and are awaiting the  
28 transfer of the Clerk's file to the Northern District of California. The exclusion of time is

1 therefore appropriate under 18 U.S.C. §3161(h)(1)(G).

2 The parties further agree that the ends of justice served by excluding time from December  
3 20, 2007 to January 11, 2008 outweigh the interest of the public and the defendant in a speedy  
4 trial within the meaning of 18 U.S.C. § 3161(h)(A).

5 3. Accordingly, the parties ask the Court to order that the period from December 20, 2007 to  
6 January 11, 2008 be excluded from Speedy Trial Act calculations under 18 U.S.C. §§  
7 3161(h)(8)(A) & (h)(1)(G).

8 IT IS SO STIPULATED:

9 Dated: January 10, 2008

/s/  
ANN C. MOORMAN  
Counsel for Larry Eugene Monk

12 Dated: January 10, 2008

/s/  
ALBERT B. SAMBAT  
Special Assistant United States Attorney

15 IT IS SO ORDERED.

17 DATED: \_\_\_\_\_

THE HONORABLE ELIZABETH LAPORTE  
United States District Court Magistrate Judge